

Application No. 10/613,206
Amendment dated October 24, 2005
Reply to Office Action of June 22, 2005

Docket No.: 61558(50530)

REMARKS

Claims 1-17 are pending in the application. Claims 3-9 and 12-17 are deemed withdrawn.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Support for these amendments appears throughout the specification and claims as filed. No new matter is introduced by these amendments.

Allowable subject matter

Applicants acknowledge that in the Action the elected compound is found to be free of prior art and that claim 2 would be allowable if rewritten in independent form.

Rejection under 35 U.S.C. §102(e)

Claims 1, 10 and 11 are rejected as anticipated by Tsantrizos (US 6, 608,027). Applicants traverse.

Applicants submit that the Tsantrizos compounds are not anticipatory of Applicants' claimed subject matter. The Tsantrizos compounds have a carbon atom at 7-position of the macrocyclic ring, while Applicants' formula (I) compounds have a nitrogen atom at the corresponding position in Applicants' macrocyclic ring compounds. Thus, Applicants' formula (I) compounds are structurally distinct and distinguishable from the Tsantrizos compounds. As such, Applicants submit that Tsantrizos does not anticipate Applicants' claimed subject matter and respectfully request withdrawal of the rejection.

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Rejoinder

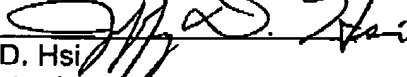
Applicants also respectfully request rejoinder of method claims 12-17 as they depend from or otherwise include all the limitations of the patentable product.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 50530-61558.

Dated: October 24, 2005

Respectfully submitted,

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